

11 August 1981

MEMORANDUM FOR: Deputy Director of Security (P&M)

STAT FROM:

[REDACTED]
PPG

SUBJECT: New Non-Disclosure Agreement (NdA)

REFERENCE: Memorandum from C/SSC dated 3 August 1981,
same subject

1. This memorandum is for your information in response to a verbal request for an opinion regarding the suggestion made in reference.

2. I discussed this matter with [REDACTED] now with the DCI Security Committee Staff, who is charged with the follow-through on security issues left for resolution after the recent demise of the DCI Committee on Compartmentation (COCOMP). In order to utilize fully the advantages of the Snepp decision, a non-disclosure agreement (NdA) was developed which provides explicitly for prepublication review of material which might contain Sensitive Compartmented Information (SCI) coming under the DCI purview for the protection of sources and methods. The CIA General Counsel coordinated this issue with the DDCI, and with other Intelligence Community General Counsels. The DDCI consulted the NFIB on 9 June 1981 and found there was general support for the agreement except for OSAF and NSA. The DDCI advised the principals the non-disclosure agreements must apply uniformly to all personnel within each department or agency and that if separate agreements are used they must not undercut other agreements. Final decision by the DDCI on the uniform agreement is pending. The COCOMP has arranged for the printing and dissemination of stocks of the uniform NdA (Form 4193) to the Intelligence Community in accordance with requests received from individual agencies.

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3. While the "Question and Answer" booklet printed up with the new Nda leaves no doubt in the preface and the answer to the first question that the new Nda will be signed by all persons who have access to SCI now and in the future, this decision point is still pending with the DDCI. The administrative burden of a "retrofit" not only impacts on the Agency, but also elsewhere in the USG. The Department of Defense, for example, will have to change an existing departmental regulation in order to resolve a conflict between it and the new Nda over the need for prepublication review. The Agency has the advantage of the Snepp decision, which while applicable to all Agency employees who have had to sign the Agency's secrecy agreement, ipso facto is also applicable to those Agency employees having access to SCI regardless of whether they have signed a new Nda. The issue is not time sensitive, and each Senior Intelligence Officer (SIO) or Senior Administrative Officer who receives that SCI coming under the purview of the DCI's sources and methods protection will have to decide how to handle the issue as long as there is uniform application to all personnel and whatever is done does not undercut other agreements or procedures used elsewhere for this particular SCI in the USG.

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4. [redacted] advised that he and the Chairman, DCI Security Committee, are preparing to formally approach the DDCI for a decision on the "retrofit" issue. Since this will be done in the Intelligence Community forum, I suggest that their efforts be allowed to bear fruit before the Director of Security were to approach the DDCI in his more limited Agency role. I will monitor this issue for you.

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Attachment

ROUTING AND TRANSMITTAL SLIP

Date 9 SEP 81

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. 		
2. DD (PJM) - OS - 4E60 Hqs.		
3.		
4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

memo of 14 Aug 81 (attached) led me to believe that SECDEF would pursue the NDA issue with the DDCI.

I am not able to answer Mr question to D/SEC contained in his 3 Sep 81 buckslip covering Gen Stillwell's memo (attached), other than to hope that we A) will not retrofit and B, will continue to use Form 4066.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

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 c/ssc	207
	Phone

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

★ GPO : 1980 O - 311-156 (17)

SUBJECT: (Optional)

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

New Non-Disclosure Agreement (NdA)

FROM:

PPG

EXTENSION

NO.

DATE

11 August 1981

TO: (Officer designation, room number, and building)

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1. C/PPG

11/11/81

14/11/81

Hpm

2. DD/PPG

14 AUG 1981

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3. C/PPG

14 AUG 1981

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Thanks! Please advise or, better still, give him a copy of your memo. Ship

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Non-disclosure Agreement (NdA)

FROM:

Chief, Special Security Center

207

EXTENSION

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DATE

16 September 1981

TO: (Officer designation, room number, and building)

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1. DD/P&M
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Hqs

18 SEP 1981

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3. D/SEC
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Hqs

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